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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 NATIONAL LAWYERS' GUILD SAN
14 FRANCISCO CHAPTER, et al.,

15 Plaintiffs,

16 v.

17 U.S. DEPARTMENT OF HOMELAND
SECURITY, et al.,

18 Defendants.
19 _____/

No. C 08-5137 RS

**STIPULATION TO EXTEND TIME
TO FILE BILL OF COSTS AND/OR
MOTION FOR ATTORNEY'S
FEES; AND ~~PROPOSED~~ ORDER**

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21 WHEREAS, in an effort to narrow the issues before the Court,

22 1. Beginning in April 2009, the parties entered into a series of stipulations to stay
23 proceedings to allow Defendants to conduct secondary searches and process potentially responsive
24 records, and to allow the parties to confer in an effort to resolve Plaintiffs' claims without the
25 Court's intervention. As a result of those negotiations, in October 2009, the parties filed a
26 stipulation of dismissal of this action with prejudice under Rule 41(a)(1)(A)(ii) with respect to
27 Defendants DHS, DHS-OIG, and CIS. After further negotiations resolved all remaining merits
28 issues, on June 29, 2011, the parties filed a stipulation of dismissal of this action with prejudice

1 under Rule 41(a)(1)(A)(ii) with respect to all remaining Defendants. At that time, the parties had
2 begun to discuss whether an award of fees and costs was appropriate in this case. On June 30,
3 2011, the Court approved the parties' stipulation to extend the deadline for Plaintiffs to file any bill
4 of costs and/or motion for attorney's fees by approximately three months, to September 30, 2011, to
5 permit those negotiations to continue. On September 29, the Court approved the parties' stipulation
6 to extend the deadline for Plaintiffs to file any bill of costs and/or motion for attorney's fees by
7 approximately two months, to November 30, 2011, to permit those negotiations to continue.

8 2. The parties continue to actively discuss whether an award of attorney's fees and
9 costs is appropriate and, to that end, have exchanged a series of proposals to resolve the issue
10 without the Court's intervention. While Defendants do not concede that Plaintiffs are entitled to
11 recover any fees or costs in this case, and reserve all rights to oppose any bill of costs or motion for
12 attorney's fees, they are carefully considering this issue. Although further negotiation may
13 eliminate the need for judicial resolution of any dispute over fees or costs, the parties anticipate that
14 it will take several months for their negotiations to conclude; and

15 WHEREAS it would minimize litigation costs and conserve judicial resources to permit
16 the parties to attempt to resolve any dispute over fees or costs without the Court's intervention,

17 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through
18 undersigned counsel, subject to the approval of the Court, that the deadline for Plaintiffs to file any
19 bill of costs and/or motion for attorney's fees shall be extended by approximately two months, to
20 January 30, 2012, notwithstanding any local rule to the contrary.

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1 Dated: November 28, 2011

2 Respectfully submitted,

3 JARED L. KOPEL

TONY WEST

Assistant Attorney General

4 DOMINIQUE-CHANTALE ALEPIN

JOHN R. TYLER

Assistant Branch Director

5 /s/ Lisa A. Davis

LISA A. DAVIS

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/s/ Eric B. Beckenhauer

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Attorneys for Plaintiffs

20 **SIGNATURE ATTESTATION**

21 In accordance with General Order 45(X), I hereby attest that I have obtained
22 Eric B. Beckenhauer's concurrence in the filing of this document.
23

24 /s/ Lisa A. Davis

25 LISA A. DAVIS

[PROPOSED] ORDER

Pursuant to stipulation, it is hereby **ORDERED** that the deadline for Plaintiffs to file any bill of costs and/or motion for attorney's fees shall be extended to January 30, 2012, notwithstanding any local rule to the contrary.

Dated: 11/29/11



RICHARD SEEBORG
United States District Judge